

Message Text

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PAGE 01 STATE 149484

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ORIGIN EB-11

INFO OCT-01 EUR-25 ADP-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-10 NSAE-00 RSC-01 FAA-00 L-03 PA-03 PRS-01 USIA-15

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DRAFTED BY EB/AN:RCPARR:VLV

7/27/73 EXT. 20352

APPROVED BY EB/OA:JSMEADOWS

CAB - MR. BURCH

EUR/WE - MR. FLOYD

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R 302119Z JUL 73

FM SECSTATE WASHDC

TO AMEMBASSY LONDON

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E.O. 11652: N/A

TAGS: ETRN, UK

SUBJECT: CIVAIR - LAKER APPLICATION

REF: LONDON 8398

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1. WE HAVE DISCUSSED WITH CAB STAFF COMPLAINTS REGISTERED WITH US BY BRITISH HERE AND WITH EMBASSY BY DTI IN REGARD SEPT 11 DATE FOR PREHEARING CONFERENCE ON LAKER APPLICATION.

2. CHIEF ADMINISTRATIVE LAW JUDGE AT CAB INSISTS LAKER APPLICATION BEING TREATED IN SAME MANNER AS THOSE BY OTHER APPLICANTS, GIVEN FACT THAT THIS IS COMPLEX CASE IN WHICH THERE ARE MANY INTERVENORS. IN ADDITION, ENTIRE CALENDAR SLOWED DOWN BY: (1) ONSET OF SUMMER VACATION SEASON; (2) UNUSUALLY HEAVY LOSS OF EXPERIENCED PERSONNEL AS RESULT RECENT RASH OF RETIREMENTS.

3. IN REGARD TOTAL TIME ELAPSED SINCE DATE APPLICATION
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PAGE 02 STATE 149484

FILED, EMBASSY MAY WISH TO REMIND DTI, AS WE WILL BRITISH

EMBASSY, THAT SINCE LAKER DESIGNATED IN APRIL CASE HAS BEEN
DELAYED BY MAINLY LAKER'S DETERMINATION TO DENY CULPABILITY

IN REGARD ALLEGED CHARTER VIOLATIONS. MOREOVER, JULY
HEARING ON CHARTER VIOLATIONS WAS POSTPONED AT LAKER'S
REQUEST, BUT IN THE END LAKER, IN EFFECT, PLEADED NOLO
CONTENDERE AND PAID LARGEST FINE EVER ASSESSED BY CAB. IN
OUR VIEW, FOREGOING, PLUS CONSTRAINTS PLACED ON CAB BY US
LAW AND REGULATION TO MAKE DEFINITIVE ASSESSMENT OF
LAKER'S PERFORMANCE IN US CHARTER MARKET PRIOR TO INITIAT-
ING ACTION ON APPLICATION FOR NEW AUTHORITY, MAKE CLEAR
THAT LAKER APPLICATION IS BEING GIVEN FAIR AND EQUITABLE
TREATMENT. IN THAT REGARD, IT SHOULD BE NOTED THAT CAB IS
REQUIRED TO PROVIDE ADEQUATE TIME FOR INTERESTED PARTIES
TO FILE INTERVENTIONS, AND THAT SUCH PETITIONS WOULD IN
MANY INSTANCES BE INCOMPLETE WITHOUT TAKING INTO ACCOUNT
RESULTS OF CHARTER VIOLATION PROCEEDING. DATE FOR SUB-
MITTING THESE MATERIALS HAS BEEN SET FOR AUGUST 31.

4. FYI. AS PRACTICAL MATTER LAKER HAS NOT HELPED
MATTERS WITH ASSERTIONS, AS REPORTED IN LONDON TIMES AND
ELSEWHERE, THAT FINE WAS IN EFFECT FORM OF EXTORTION, PAID
AS PRICE TO GET HEARING ON REQUEST FOR SKYTRAIN AUTHORITY.
END FYI. ROGERS

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